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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,268	04/28/2005	Matti Lipsanen	886A.0008.U1(US)	7347
29683 7590 10/06/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER LAZARO, DAVID R	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/06/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Pre-Interview Communication</b> (For use in the First Action Interview Pilot Program)	<b>Application No.</b> 10/533,268	<b>Applicant(s)</b> LIPSANEN, MATTI	
	<b>Examiner</b> DAVID LAZARO	<b>Art Unit</b> 2155	Page 1 of 2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

**This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).**

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

#### Disposition of Claims

- 3) ☒ Claim(s) 54-68 is/are pending in the application.  
 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 5) ☒ Claim(s) 54-68 is/are rejected.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All   b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-3986  
 Examiner's Typical Work Schedule: 8:30-5:00 M-F  
 Supervisor's Name: Saleh Najjar  
 Supervisor's Telephone Number: 571-272-4006

#### Attachment(s)

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>           Paper No(s)/Mail Date <u>04/28/05, 07/10/06</u>.</li> </ol> | <ol style="list-style-type: none"> <li>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>           Paper No(s)/Mail Date. _____</li> <li>5) <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6) <input type="checkbox"/> Other: _____</li> </ol> |
|---|--|

<b>Pre-Interview Communication</b> (For use in the First Action Interview Pilot Program)	<b>Application No.</b> 10533268	<b>Applicant(s)</b> LIPSANEN, MATTI	
	<b>Examiner</b> DAVID LAZARO	<b>Art Unit</b> 2155	Page 2 of

Notification of Rejection(s) and/or Objection(s)				
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	54, 60-63, 67, 68	A, B	103(a)	A teaches a user request being sourced by an agent and delivered according to user preferences (Col. 5 lines 30-55 and Col. 6 line 31 - Col. 7 line 26). A does not explicitly disclose selecting a network to use based on user preferences. (see continuation)
2	55-58, 64, 65, 66	A, B, C	103(a)	A and B do not teach the use of logs and acknowledgments. C teaches keeping a log of delivered content and acknowledgments (Fig. 3b and col. 3 lines 4-25). As it is desirable to know if a user received delivered content (see continuation)
3	59	A, B, D	103(a)	A and B do not teach notifying over a duplex prior to delivery over a simplex network. D teaches the use of a duplex and simplex network for delivering content to a user. This includes notifying over a duplex network prior to delivery of content (see cont)

Expanded Discussion/Commentary		
		IDS dated 07/10/06: Foreign Patent not considered as no consise explanation was given. Particularly it is not clear the degree of relevance found by the foreign office.
1		B teaches a user may have multiple networks available for use and that user preferences can be used to select a network for use (Col. 4 lines 46-58). As it is advantageous to use user preferences in selecting a network (Col. 2 lines 40-43 of B), it would have been obvious to use the user preferences of A to select a network to use as taught in B.
2		it would have been obvious to include the logging and acknowledging of C in A and B.
3		over a simplex network (see abstract and [52]-[53]). It would have been obvious to use the notification techniques of D in the delivery system of A and B as it is a reliable way of providing delivery information to the user.
<b>DATE:</b> 9/25/2008		/David Lazaro/ Primary Examiner, Art Unit 2155